

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Amendment)

5 401 KAR 8:010. Definitions for 401 KAR Chapter 8.

6 RELATES TO: KRS 223.160-223.220, 224.10-100, 224.10-110, 322, 40 C.F.R. 141.2[;  
7 ~~EO 2008-507, 2008-531]~~

8 STATUTORY AUTHORITY: ~~KRS 223.160-223.220, 224.10-100(28), 224.10-110[; EO~~  
9 ~~2008-507, 2008-531]~~

10 NECESSITY, FUNCTION, AND CONFORMITY: ~~KRS 224.10-100(28) and 224.10-~~  
11 ~~110(2) require the cabinet to promulgate administrative regulations for the regulation and control~~  
12 ~~of the purification of water for public and semipublic use.[EO 2008-507 and 2008-531, effective~~  
13 ~~June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new~~  
14 ~~Energy and Environment Cabinet.] This administrative regulation establishes the definitions for~~  
15 terms used by the cabinet in 401 KAR Chapter 8.

16 Section 1. Definitions. Except as provided in this section, the definitions established in 40  
17 C.F.R. 141.2 shall apply. (1) "Board" means the Kentucky Board of Certification of Water  
18 Treatment Plant and Water Distribution System Operators as established by KRS 223.170.

19 (2) "Boil water advisory" means a type of consumer advisory that provides notice to the  
20 consuming public through radio, television, direct mail, electronic mail, posting, newspaper or

1 other media and that conveys in the quickest and most effective manner possible:

2 (a) Information that water provided by a system may cause adverse human health effects  
3 due to possible biological contamination if consumed, unless it is first boiled for three (3)  
4 minutes at a rolling boil; and

5 (b) What action the public is advised to take.

6 (3) "Bottled water" means water that is:

7 (a) From an approved bottled water treatment plant;

8 (b) Placed in a sealed container or package; and

9 (c) Offered for human consumption or other consumer uses.

10 (4) "Bottled water system" means a public water system that provides bottled drinking  
11 water and includes the sources of water, and treatment, storage, bottling, manufacturing, or  
12 distribution facilities. The term excludes:

13 (a) A public water system that provides only a source of water supply for a bottled water  
14 system; and

15 (b) An entity providing only transportation, distribution, or sale of bottled water in sealed  
16 bottles or other sealed containers.

17 (5) "Bottled water treatment plant" means a facility that provides the product water used  
18 for bottled water by processing water from an approved source.

19 (6) "Bypass" means a physical arrangement whereby water may be diverted around a  
20 feature of the purification process of a public or semipublic water supply.

21 (7) "Certificate" means a certificate of competency issued by the cabinet stating that the  
22 operator has met all requirements for the specified operator classification as established by 401  
23 KAR Chapter 8.

1 (8) "Certified laboratory" means a laboratory for which the physical, instrumental,  
2 procedural, and personnel capabilities have been approved by the U.S. Environmental Protection  
3 Agency or the cabinet and that is certified for one (1) or more types of the contaminants listed or  
4 for one (1) or more of the specific constituents or combinations of constituents listed in 401 KAR  
5 Chapter 8.

6 (9) "Certified operator" means an individual who holds an active certificate.

7 (10) "Community water system" is defined by 40 C.F.R. 141.2.

8 (11) "Consumer advisory" means a notice to the consuming public through radio,  
9 television, direct mail, electronic mail, posting, newspaper, or other media to convey in the  
10 quickest and most effective manner possible:

11 (a) Information that water provided by a system may cause adverse human health effects  
12 if consumed and what action the public is advised to take; or

13 (b) Other information that the public needs to know about its water.

14 (12) "Contaminant group" means all of the constituent members that collectively  
15 comprise the individual bacteriological, inorganic chemical, organic chemical, radiological,  
16 volatile organic chemical, synthetic organic chemical, or secondary contaminant groups  
17 regulated by 401 KAR Chapter 8.

18 (13) "Conventional filtration treatment" means a series of processes including  
19 coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate  
20 removal.

21 (14) "Cross connection" means a physical connection or arrangement between two (2)  
22 otherwise separate systems, one (1) of which contains potable water and the other being either  
23 water of unknown or questionable safety, or steam, gas, or chemicals, whereby there may be

1 flow from one (1) system to the other, the direction of flow depending on the pressure  
2 differential between the two (2) systems.

3 (15) "Direct responsible charge" means personal, first hand responsibility to conduct or  
4 actively oversee and direct procedures and practices necessary to ensure that the drinking water  
5 treatment plant or distribution system is operated in accordance with accepted practices and with  
6 KRS 223 and 401 KAR Chapters 8 and 11.

7 (17) "Mineral water" means bottled water that contains not less than 250 parts per million  
8 total dissolved solids.

9 (18) "NTU" means nephelometric turbidity unit.

10 (19) "Operator" means a person involved in the operation of a drinking water treatment  
11 plant or distribution system.

12 (20) "Private water supply" means a residential water supply located on private property  
13 for the use of one (1) to three (3) residential households.

14 (21) "Product water" means the water processed by a bottled water treatment plant that is  
15 used for bottled drinking water.

16 (22) "Professional engineer" means an engineer who is licensed as a professional  
17 engineer in Kentucky, pursuant to KRS Chapter 322.

18 (23) "Secondary contaminant" means a contaminant that does not, in general, have a  
19 direct impact on the health of consumers but whose presence in excessive quantities may  
20 discourage the utilization of drinking water or discredit the supplier.

21 (24) "Secondary standard" means the maximum contaminant level for a secondary  
22 contaminant.

23 (25) "Semipublic water system" means a water system made available for drinking or

1 domestic use that does not qualify as a private or public water system.

2 (26) "Submetering" means the use of meters by a property owner or operator that  
3 measure water used by tenants for the purpose of passing costs charged by a public water  
4 system from the property owner or operator to tenants based on tenants' actual water  
5 usage.

6 (27) "Supplier of water" means a person who owns or operates a public water system.

7 (28)[(27)] "Surface water" means water that is open to the atmosphere and subject to  
8 surface runoff, or groundwater under the direct influence of surface water.

9 (29)[(28)] "Surface water source" means ponds, reservoirs, streams of all sizes, free-  
10 flowing springs, a source of water supply for a public water system that has a free water surface  
11 exposed to the atmosphere, or groundwater under the direct influence of surface water.

12 (30)[(29)] "System" means a public water system.

13 (31)[(30)] "Turbidity" means the presence of suspended particulates, including sand, silt,  
14 clay, finely divided organic or inorganic matter, plankton or other microscopic organisms, or  
15 elements that optically interfere with the clarity of liquid.

16 (32)[(31)] "Water distribution system" means the portion of the public water system in  
17 that water is conveyed from the water treatment plant or other supply point to the premises of a  
18 consumer, or a system of piping and ancillary equipment which is owned and operated by an  
19 established water system independent of the water supply system from which potable water is  
20 purchased.

21 (33)[(32)] "Water supply system" means the source of supply and all structures and  
22 appurtenances used for the collection, treatment, storage, and distribution of water for a public or  
23 semipublic water system.

- 1        (34)~~(33)~~ "Water treatment plant" or "purification plant" means that portion of the water  
2        supply system that is designated to alter the physical, chemical, or bacteriological quality of the  
3        water prior to entry to the water distribution system.

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